THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19711 OF 2005

ORDER:

Forty-one petitioners who are residents of Genegere village of Kanekal Mandal and two petitioners of Uddehal village, Bommanahal Mandal of Anantapur District filed the instant Writ Petition seeking a Writ of Mandamus declaring the action of the respondents in trying to interfere with the agricultural operations of the petitioners in their lands in various survey numbers of Sridhargatta, Singanahalli, Genegere, and Gonehal villages, Kanekal Mandal as illegal and arbitrary and violative of Article 19 (i) (g) and Article 300 (a) of the Constitution of India.

It is mainly contended by the learned counsel for the petitioners Sri Kummathi Venkatesulu that the petitioners are cultivating the lands by using water from their bore wells and they have not in any manner violated the provisions of any law, and in spite of the same, the respondents are threatening to demolish and destroy their crops.

The learned Assistant Government Pleader for Irrigation has brought to the notice the orders passed by this Court in W.P.No.19233 of 2005 dated 31.8.2005 dismissing a similar Writ Petition on the ground that the petitioners failed to show any violation of legal rights. It was observed therein.

"There is no factual foundation in the allegations of the affidavit filed in support of the petition as to the infringement of legal right of the petitioners. Even in the affidavit it is stated that the respondents are trying to destroy the paddy crops in the petitioners' fields, which are being cultivated by their own waters. Therefore, in the absence of any violation of legal rights, the remedy of the petitioners is otherwise. The Writ Petition is devoid of merits and liable to be dismissed."

Following the same this Writ Petition is also dismissed.

6th September, 2005. V.V.S. RAO, J.

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